

*Rogers et al. v. U.S. Dept. of Health and Human Servs., et al.*

# Exhibit Y

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and  
Memorandum in Support Thereof**

**Excerpts from Deposition of Sharon Betts**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION  
Civil Action No. 6:19-cv-01567-JD

EDEN ROGERS, et al, )  
)  
Plaintiffs, )  
)  
v. )  
)  
UNITED STATES DEPARTMENT OF )  
HEALTH AND HUMAN SERVICES, )  
et al., )  
)  
Defendants. )  
\_\_\_\_\_ )

Videotaped Deposition of SHARON BETTS

(Taken by Plaintiffs)

(Taken virtually)

Tuesday, June 22, 2021

Reported in Stenotype by  
Christine A. Taylor, RPR  
Registered Professional Reporter

1 understanding and projection or belief of what would  
2 happen to the foster families affiliated with Miracle  
3 Hill if Miracle Hill stopped serving as a CPA. Do you  
4 remember talking about that?

5 A. Yes.

6 Q. At first when that topic came up, you said  
7 you didn't know how many families or percentage of  
8 them would do what, do you remember that?

9 MS. SCHINDEL: Object to form.

10 THE WITNESS: I don't recall.

11 BY MR. COLEMAN:

12 Q. Okay. Well, let me ask the question then.  
13 If your memory is a little hazy on it, and if, in  
14 fact, I think the record will show that discussion,  
15 there was some confusion related to it. Let me just  
16 ask you the questions fresh and see if we can get a  
17 less hazy and a more certain understanding of what you  
18 believe.

19 MS. SCHINDEL: Objection. Mischaracterizes  
20 prior testimony.

21 BY MR. COLEMAN:

22 Q. Would you say from your decades of employment  
23 and service at Miracle Hill including many, many years  
24 in the foster care ministry of Miracle Hill that you  
25 have firsthand knowledge of what motivates the foster

1 families you work with, who choose to affiliate with  
2 Miracle Hill?

3 A. Yes.

4 MS. SCHINDEL: Objection. Leading.

5 BY MR. COLEMAN:

6 Q. Is that based from many, many conversations  
7 with such people?

8 A. Yes.

9 MS. SCHINDEL: Objection. Leading.

10 BY MR. COLEMAN:

11 Q. If Miracle Hill could no longer serve as a  
12 CPA, do you have a sense whether in numbers or  
13 percentages of how many of Miracle Hill's current  
14 licensed foster families, who would not otherwise have  
15 dropped out due to attrition, would, as a result of  
16 being unable to work with Miracle Hill, cease serving  
17 as foster parents?

18 A. I do not have a specific number or percentage,  
19 but I believe earlier I testified to the 50 to  
20 60 percent of families not including respite families  
21 that are licensed that would close.

22 Q. And just help me understand, just to make  
23 sure I understand, when you say 50 to 60 percent not  
24 including the number of families that only do respite  
25 care, you're saying that the reason you believe that

1 50 to 60 percent of the licensed families would stop  
2 serving as foster families is because of their  
3 inability to work with Miracle Hill as their CPA?

4 MS. SCHINDEL: Objection. Leading and  
5 mischaracterizes testimony.

6 BY MR. COLEMAN:

7 Q. Can you repeat your answer just to make  
8 sure --

9 A. Yes.

10 Q. And is that estimate you just gave, the 50 to  
11 60 percent who would stop providing -- stop serving as  
12 foster parents if they are unable to work with Miracle  
13 Hill, that's not dependent on whether or not they at  
14 this moment have a child in their home or not in their  
15 home, does it?

16 A. No.

17 MS. SCHINDEL: Objection. Leading.

18 BY MR. COLEMAN:

19 Q. You're familiar with the waiver or sometimes  
20 called a deviation that federal HHS granted to the  
21 state of South Carolina related to faith-based CPAs;  
22 right?

23 A. Yes.

24 Q. Why don't we look for a second again at  
25 Exhibit 8. You may still have it right there in front

1 says -- it actually says 35 page.

2 A. Yes, I have it.

3 Q. Okay. At the top of that page in all capital  
4 letters and bold text, it says expression of religious  
5 or spiritual beliefs policy; is that right?

6 A. Yes.

7 Q. Underneath the heading "procedures" on that  
8 page, I want to look at the second bullet point, let  
9 me know when you --

10 A. I have it.

11 Q. I'm going to read it into the record and you  
12 follow along. It says, quote, Miracle Hill is aware  
13 that religious is a personal matter and encourages  
14 families to be sensitive to the spiritual needs of the  
15 child and biological family while avoiding anything  
16 that might be viewed as coercion to accept a  
17 particular set of beliefs, end quote.

18 Did I read that correctly?

19 A. You left out the word "each."

20 Q. Hang on. I see. It says, "the spiritual  
21 needs of each child and biological family."

22 A. Yes.

23 Q. Thank you. With that one exception though, I  
24 read it accurately. Does that bullet point that I  
25 just read, does that reflect or -- to be clear, this

1 document was in force from at least May 2018 through  
2 fall 2020?

3 A. Yes.

4 Q. During that time period, does that bullet  
5 point reflect Miracle Hill's position, policy, and  
6 expectation?

7 A. Yes.

8 Q. Was it Miracle Hill's position, policy, and  
9 expectation that foster parents affiliated with  
10 Miracle Hill should not coerce foster children to  
11 engage in religious activity or to make any sort of  
12 religious decisions or to hold any set of religious  
13 beliefs?

14 A. Yes.

15 MS. SCHINDEL: Objection. Leading.

16 BY MR. COLEMAN:

17 Q. Foster parents affiliated with Miracle Hill  
18 weren't loud to penalize children for not  
19 participating in religious exercise, were they?

20 MS. SCHINDEL: Objection. Leading.

21 THE WITNESS: No.

22 BY MS. SCHINDEL:

23 Q. Foster parents weren't allowed to give  
24 preference to a rewards to children who did  
25 participate in religious activities?

1 A. No.

2 MS. SCHINDEL: Objection. Leading.

3 BY MR. COLEMAN:

4 Q. Miracle Hill's policy and procedure was that  
5 each foster child would have the opportunity to  
6 participate in religious observance or instruction,  
7 but that each foster child could decline to do so;  
8 right?

9 A. Correct.

10 MS. SCHINDEL: Objection. Leading.

11 BY MS. SCHINDEL:

12 Q. And that Miracle Hill -- sorry, go ahead.

13 MS. SCHINDEL: That was an objection to the  
14 last question.

15 BY MR. COLEMAN:

16 Q. I didn't want to talk over you.

17 Miracle Hill's policy, practice, and  
18 expectation and instruction in the foster families was  
19 that if a child in foster care or his or her family of  
20 origin declined to participate in such activities the  
21 foster family must respect that; right?

22 A. Yes.

23 MS. SCHINDEL: Objection. Leading.

24 BY MR. COLEMAN:

25 Q. The third bullet point on that page, the next



1 one down, let me read that, quote, religious education  
2 is to be in accordance with the expressed wishes, if  
3 any, of the birth parents, closed quote; is that  
4 correct?

5 A. Correct.

6 Q. Was that Miracle Hill's policy, practice,  
7 expectation, instruction and understanding to foster  
8 parents?

9 A. Yes.

10 MS. SCHINDEL: Objection. Leading.

11 BY MR. COLEMAN:

12 Q. Turn with me now to page 46 of the document.

13 A. I have it.

14 Q. Okay. At the top of this page in all capital  
15 letters bold font, it says children's rights and  
16 responsibilities. Below that is a heading A, it says  
17 children's rights well and care, and below that is a  
18 lengthy list of numbered items.

19 A. Yes.

20 Q. I want to look at -- let's start with number  
21 3, let me read that, quote, all children should be  
22 provided an opportunity for spiritual development and  
23 will not be denied the right to practice religious  
24 beliefs, closed quoted.

25 Did I read that correctly?

1 A. Correct.

2 Q. Was it Miracle Hill's policy, practice,  
3 instruction, and expectation of foster parents that,  
4 as it says here, the children be provided an  
5 opportunity for spiritual development?

6 A. Yes.

7 MS. SCHINDEL: Objection. Leading.

8 BY MR. COLEMAN:

9 Q. But that children of foster care could not be  
10 compelled or coerced or pressured to engage in  
11 spiritual or religious activities; right?

12 A. Correct.

13 MS. SCHINDEL: Objection. Leading.

14 BY MS. SCHINDEL:

15 Q. Again, the latter half of that sentence, was  
16 it also Miracle Hill's policy, practice, instruction,  
17 and expectation of foster parents that the child in  
18 foster care would never be denied the right or the  
19 opportunity to practice his or her own religious  
20 beliefs or exercise?

21 A. Correct.

22 MS. SCHINDEL: Objection. Leading.

23 BY MR. COLEMAN:

24 Q. If a child in foster care was placed into a  
25 foster home affiliated with Miracle Hill, and if that

1 child or his or her biological family, birth family,  
2 family of origin, had a different preference, request,  
3 or set of religious beliefs, was the foster family  
4 expected to honor and accommodate that child or his or  
5 her family of origin's religious beliefs?

6 A. Yes.

7 MS. SCHINDEL: Objection. Leading.

8 BY MR. COLEMAN:

9 Q. If such a child or his family of origin  
10 wanted to be able to go to a different house of  
11 worship not of the Christian faith or not where the  
12 foster family went to, was the foster family expected  
13 to accommodate or find some way to make arrangements  
14 to honor that wish?

15 A. Yes.

16 Q. And in such instances, did foster families  
17 affiliated with Miracle Hill honor such requests?

18 A. I would have not personal knowledge of that  
19 because my caseload and the people that I supervise do  
20 not have children in those homes.

21 Q. Okay. So you don't know one way or the  
22 other?

23 A. No.

24 Q. Okay. Let's look at the next numbered item  
25 on that page, number 4, I'll read it. It says, quote,

1 all children shall be free from coercion by foster  
2 parents or staff with regard to religious or cultural  
3 decisions. Whenever practical, the wishes of the  
4 birth parent with regard to a child's religious and  
5 cultural participation are ascertained and followed,  
6 closed quote.

7 Did I read that correctly?

8 A. Yes.

9 Q. We've already talked a little bit about some  
10 of those ideas, but I'll ask it again. Does that  
11 statement, those two sentences under number 4, does  
12 that reflect Miracle Hill's policy, practice,  
13 procedure, expectation, and instruction to the foster  
14 families affiliated with Miracle Hill?

15 A. Yes.

16 Q. Let me ask you in particular about the second  
17 sentence there. It says that whenever practical, the  
18 wishes of the birth parent with regard to a child  
19 religious cultural participation are to be  
20 ascertained. Does that mean when possible it was  
21 expected or desirable to determine whether a birth  
22 parent had any preference or instruction?

23 MS. SCHINDEL: Objection. Leading.

24 THE WITNESS: Ask that question again.

25 BY MR. COLEMAN:

1 Q. Well, does that mean that when it was  
2 possible, when it was practical, it was expected that  
3 the wishes of a birth parent with regard to a child's  
4 religious participation would be ascertained and would  
5 be followed?

6 MS. SCHINDEL: Objection. Leading.

7 THE WITNESS: Yes.

8 BY MR. COLEMAN:

9 Q. Turn with me to page 59 of this document. At  
10 the top of this page in all capital letters and bold  
11 font it says "Miracle Hill Ministries Foster Care  
12 Program Description." Underneath that there's a  
13 couple of roman numeral headings, look at the third  
14 one. Roman numeral three, philosophy, if you go down  
15 to the third paragraph underneath that heading. I'm  
16 going to read that into the record and you follow  
17 along. It says, quote, children do not have to  
18 conform to our system, we will conform to the needs of  
19 the child -- of the children, sorry. I read that  
20 poorly. Let me take another run at it. I'm going to  
21 start at the beginning of that sentence again. Quote,  
22 children do not have to conform to our system, we will  
23 conform to the needs of children, closed quote.

24 Did I read that correctly?

25 A. Yes.

1 Q. And does that accurately reflect Miracle  
2 Hill's policy, practice, philosophy, and instruction  
3 to and expectation of foster families?

4 A. Yes.

5 MS. SCHINDEL: Objection. Leading.

6 BY MR. COLEMAN:

7 Q. It reflects that children placed into a  
8 foster home affiliated with Miracle Hill are not  
9 expected to conform to some system of belief that they  
10 do not themselves believe; right?

11 A. Correct.

12 MS. SCHINDEL: Objection. Leading.

13 BY MR. COLEMAN:

14 Q. And, instead, the foster family is the one  
15 who needs to accommodate and conform to needs of the  
16 child?

17 A. Yes.

18 MS. SCHINDEL: Objection. Leading.

19 BY MR. COLEMAN:

20 Q. Let's look one more page over, last page of  
21 this document that we'll look at, page 60.

22 The second full paragraph on page 60, the  
23 second sentence of that paragraph, I'll read it, let  
24 you follow along. It says, quote, if the child so  
25 desires, provision will be made for his individual

1 religious preferences, closed quote.

2 Did I read that correctly?

3 A. Yes.

4 Q. We've already talked about this a little bit,  
5 but again since it's written here, does that  
6 accurately reflect Miracle Hill's practice, its  
7 policies, philosophy, its instruction to, and  
8 expectation of foster families?

9 MS. SCHINDEL: Objection. Leading.

10 THE WITNESS: Yes.

11 BY MR. COLEMAN:

12 Q. I think we can set this document away for the  
13 moment. Take a look now at the 2020 foster family  
14 handbook. Do you have a copy of that with you?

15 MR. MATTHEWS: We do not have a copy of that.  
16 That was Rebecca's Exhibit 29, I think. Is that right,  
17 Rebecca?

18 MS. SCHINDEL: I will find you the number.

19 MR. COLEMAN: That's what I've got.

20 MS. SCHINDEL: It was Exhibit 29. That's  
21 right.

22 MR. MATTHEWS: We do not have hard copies of  
23 that.

24 MR. COLEMAN: Give me just a moment. If I can  
25 master the technology, I may be able to make it appear

1 the foster children in their care?

2 A. Yes.

3 MS. SCHINDEL: Objection. Leading.

4 BY MR. COLEMAN:

5 Q. And, to your knowledge, do they, in fact --  
6 do they, the foster parents associated with Miracle  
7 Hill, actually accommodate the religious choices of  
8 the children in their care?

9 A. Again, as individual supervisor of staff who  
10 do not have children in their homes, I could not answer  
11 that.

12 Q. So you don't have personal knowledge of it  
13 because it's outside of your responsibilities?

14 A. Right.

15 Q. All right. Let me stop sharing my screen.  
16 Let me -- give me just a moment, be patient. Let me  
17 take a quick look. I think I'm getting close to the  
18 end. I'm hopeful I can wrap up in enough time. I'd  
19 like to get home in enough time to put my kids in bed  
20 tonight. So give me a moment just to check and make  
21 sure. I may have a couple of more questions here.

22 Is it your understanding that in the normal  
23 daily life and routine of a foster family associated  
24 with Miracle Hill that there will be some religious  
25 observances that happen as part of the normal daily



1 rhythm and life of that family that a foster child in  
2 that home would observe?

3 A. Yes.

4 Q. They might say grace before their meals?

5 A. Yes.

6 MS. SCHINDEL: Objection. Leading.

7 BY MR. COLEMAN:

8 Q. They might pray before bedtime?

9 A. Yes.

10 MS. SCHINDEL: Objection. Leading.

11 BY MR. COLEMAN:

12 Q. The family likely would go to church on  
13 Sunday?

14 A. Yes.

15 MS. SCHINDEL: Objection. Leading.

16 BY MR. COLEMAN:

17 Q. And by virtue of being in the home, the child  
18 would be aware of or exposed to observing those  
19 practices; right?

20 A. Yes.

21 MS. SCHINDEL: Objection. Leading.

22 BY MR. COLEMAN:

23 Q. But as we've just discussed, the child would  
24 not be coerced, compelled, pressured, encouraged to  
25 participate in, or adopt or adhere to any set of

1 beliefs that they do not wish to?

2 A. Correct.

3 MS. SCHINDEL: Objection. Leading.

4 BY MR. COLEMAN:

5 Q. I think just a moment ago the questions I  
6 asked you most recently I asked you in your individual  
7 capacity. Let me ask you those again in your 30(b)(6)  
8 capacity because I believe you're designated to talk  
9 about any religious instruction or exposure currently  
10 have. Now I've got to go back and try to remember  
11 what the questions were so that I can ask them again.

12 Is it Miracle Hill's understanding and even  
13 expectation that in the normal daily rhythm of life of  
14 a foster family affiliated with Miracle Hill, there  
15 will be certain religious events or observances that  
16 occur?

17 A. Yes.

18 MS. SCHINDEL: Objection. Leading.

19 BY MR. COLEMAN:

20 Q. For example, saying grace before meals?

21 A. Yes.

22 MS. SCHINDEL: Objection. Leading.

23 BY MR. COLEMAN:

24 Q. Praying before bedtime?

25 A. Yes.

1 MS. SCHINDEL: Objection. Leading.

2 BY MR. COLEMAN:

3 Q. Things of that nature, that in the normal  
4 course of a Christian family's life they do or say?

5 A. Yes.

6 MS. SCHINDEL: Objection. Leading.

7 BY MR. COLEMAN:

8 Q. Include going to church on Sunday?

9 A. Yes.

10 MS. SCHINDEL: Objection. Leading.

11 BY MR. COLEMAN:

12 Q. But is it also Miracle Hill's understanding  
13 and expectation and requirement that the foster family  
14 will never coerce, pressure -- I'm trying to think of  
15 another synonym for that -- let's go with coerce,  
16 pressure, require, force, or expose a child to  
17 religious beliefs or practices or exercise that the  
18 child does not believe or does not wish to participate  
19 in or affirm or adhere to?

20 A. Correct.

21 MS. SCHINDEL: Objection. Leading.

22 BY MR. COLEMAN:

23 Q. Do you think -- first, as an individual, do  
24 you think it's possible to share the Good News, and I  
25 use that phrase of Good News in the sense of some of

1 Miracle Hill's use it, which I think is to refer to  
2 the Christian gospel. Do you think it's possible to  
3 share the Good News through deeds of good work?

4 MS. SCHINDEL: Objection. Leading.

5 THE WITNESS: Yes.

6 BY MR. COLEMAN:

7 Q. Okay. Let me ask you as Miracle Hill's  
8 30(b)(6). Does Miracle Hill believe that one can  
9 share the Good News through doing deeds of good work  
10 or mercy or compassion, for that matter?

11 A. Yes.

12 MS. SCHINDEL: Objection. Leading.

13 BY MR. COLEMAN:

14 Q. I'm getting close. In terms of the  
15 motorcycles are driving down the street one more time.

16 MR. MATTHEWS: Let me interrupt for just a  
17 moment. It is 6:47. This is not my home office, so  
18 I'm not that familiar with it. This is an energy  
19 efficient building and the lights go out at 7:00. Can  
20 we stop for just a couple of minutes and let me make a  
21 call to make sure we're not going to lose a power  
22 connection to the Internet or if there's anything I  
23 need to do to prevent that. Can we stop --

24 MR. COLEMAN: Let me ask you this. I think  
25 I've got one minute left. I don't know if Rebecca --